

Preliminary Remarks:

The applicants thank the Examiner for discussing this application by telephone on May 20, 2005 and for reviewing and providing feedback on the draft claim sent subsequent to that telephone discussion for review.

Remarks:

The Office Action of March 8, 2005 ("the Office Action") rejected pending claims 1, 3-8, 10, 11, 30, 32, 47, and 51.

35 U.S.C. § 112

Claims 1, 3-8, 10, 11, 17, 30, 32, 47, and 51 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

The applicants respectfully submit that pending claims 1 and 47, as presently amended, clarify the structure of the claimed device described as the anterograde sheath. In pertinent part, claims 1 and 47 now recite:

"the anterograde sheath having an open proximal end such that distal movement of the anterograde sheath unsheathes the portion of the endoluminal device contained thereunder... ."

The applicants respectfully submit that this limitation is consistent with the elected species because the anterograde sheath's distal movement (as illustrated in Figure 2 of the application) reveals the portion of the endoluminal device contained beneath it. The applicants also respectfully submit that the language of this claim is generic to the species of the invention illustrated in both Figures 2 and 6.

For at least the foregoing reason, the applicants respectfully submit that claims 1 and 47, as amended, comport with the requirements of 35 U.S.C. § 112, second paragraph. The remaining claims 3-8, 10, 11, 17, 30, 32, and 51 depend directly or indirectly from claims 1 and 47 and incorporate the limitations of these independent claims. Withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103:

Claims 1, 3-8, 10, 11, 17, 30, 32, 47 and 51 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,201,757 to Heyn et al. (Heyn) in view of U.S. Patent No. 6,042,589 to Marianne (Marianne). Claims 31 and 33 stand rejected under 35 U.S.C. § 103(a)

as unpatentable over Heyn in view of U.S. Patent No. 5,445,646 to Euteneur (Euteneur). Applicants respectfully submit that the pending claims, as amended are patentable over Heyn in view of Marianne for at least the reasons set forth below.

In pertinent part, independent claim 1 recites:

"anchoring means . . . for anchoring the endoluminal device proximal end *after* expansion of the proximal end into the expanded configuration in the body lumen and for minimizing relative axial movement between the proximal end of the device and the body lumen during unsheathing of a remaining portion of the endoluminal device distal of the proximal end."

As a review, in contrast, Heyn teaches a device configured to deploy a prosthesis starting from its central or medial region. See Heyn figures. To the extent that Heyn could be said to provide any anchoring of the proximal end (such as the detent 104 referred to in the Office Action), that anchoring is only of the *unexpanded* end contained within the proximal sheath. Nor is the device disclosed by Marianne configured for proximal-end-first deployment. See Marianne at Figures 1-6 and column 3, lines 1-15. The structure of Marianne does not allow deployment of the device from its proximal end to its distal end at all, let alone anchoring any expanded portion of the device in the body lumen *while the rest of the device is being deployed*.

Although Euteneur discloses in column 7, lines 64-65 that its stent can be "deployed starting from the proximal end of the stent," Euteneur nowhere discloses means for anchoring the *expanded* proximal end *in the body lumen* during such a deployment step. Rather, Euteneur discloses the use of water soluble bands 18, 60, or 62 for anchoring portions of the prosthesis to the central core until the bands dissolve, or the use of no such bands, in which case no anchoring is provided at all.

The applicants respectfully submit that the disclosures of Marianne, Heyn, or Euteneur, taken singly or in combination neither teach nor suggest anchoring means structured to (a) anchor an expanded proximal end in the body lumen and (b) minimize relative axial movement during distal unsheathing of the remaining portion of the device. This feature is advantageous in procedures where accurate placement of the proximal end of the stent is desirable for successful treatment. See page 2, line 27 to page 4, line 6 of the originally filed specification. As the applicants have noted previously, an apparatus capable of controlling the proximal terminus of a prosthesis component is of particular use in branched lumen anatomies such as the intersection between the abdominal aorta and the iliac arteries.

The applicants therefore respectfully submit that claim 1, as amended, overcomes the rejections in the pending office action.

Further, the applicants same arguments apply, a fortiori, to the independent claim 47, that, as amended, more specifically recites an inflatable balloon as an embodiment of the anchoring means of claim 1. In pertinent part, claim 47 recites:

"an inflatable balloon mounted radially inside the retrograde portion and sized to anchor the endoluminal device proximal end after expansion of the proximal end into the expanded configuration against the body lumen to minimize relative axial movement between the proximal end of the device and the body lumen during unsheathing of the endoluminal device distal portion."

Thus, claim 47 recites an inflatable balloon which performs the functions of (a) anchoring an expanded proximal end in the body lumen and (b) minimizing relative axial movement during unsheathing of the remaining portion of the device.

For at least the foregoing reasons, the applicants respectfully submit that claims 1 and 47, as amended, are not obvious in light of the cited prior art. The remaining claims 3-8, 10, 11, 17, 30-33 and 51 depend directly or indirectly from claims 1 and 47 and incorporate the limitations of these independent claims.

Conclusion:

In view of the points of distinction set forth above, the applicants contend that the above-identified application is in condition for allowance, which action is respectfully requested. As a number of withdrawn claims are also dependent from allowable claims, the applicants further request allowance of such withdrawn claims as well.

Respectfully submitted,



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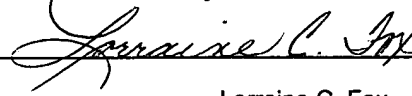
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